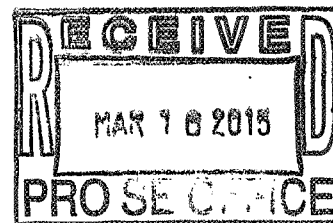


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CASE NO. _____

15CV2175

ACTION AT LAW¹



**John Vidurek
Plaintiff, in pro per**

-v-

**Ruby J Krajick; c/o Federal Building and Courthouse Southern District of NY
300 Quarropas Street; White Plains, NY 10601-4150**

**John/Jane Doe; c/o Federal Building and Courthouse Southern District of NY
300 Quarropas Street; White Plains, NY 10601-4150**

DEFENDANTS

¹ AT LAW. Blacks 4th This phrase is used to point out that a thing is to be done according to the course of the common law; it is distinguished from a proceeding in equity

I, John Vidurek, one of the People² of New York State, in pro per³, hereinafter plaintiff, in this court of record⁴, proceeding according to the common law⁵ hereby sues for damages and charges, against Ruby J Krajick; John/Jane Doe (Judge or other court officer); herein after defendants, for violating plaintiffs unalienable right of due process under color of law protected by Amendment V, conspiracy against rights:⁶, deprivation of rights under color of law:⁷, conspiracy to interfere with civil rights:⁸, civil action for deprivation of rights⁹, Trespass on the case¹⁰, Abuse of process and Negligence.

² PEOPLE. People are supreme, not the state. [Waring vs. the Mayor of Savannah, 60 Georgiaat 93]; The state cannot diminish rights of the people. [Hertado v. California, 100 US 516]; Preamble to the US and NY Constitutions - We the people ... do ordain and establish this Constitution...; ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 DALL (1793) pp471-472]: The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7].

³ Most legal dictionaries define the term "pro se" as someone who represents them self. Black's Law 4th edition, 1891 defines it "in person", therefore we used the term "in pro per", in that capacity we accept the term "pro se" not to be confused with one representing their fiction whereby the jurisdictional fraud might be assumed and statutes applied as a subject.

⁴ The words 'district court of the United States' commonly describes constitutional courts created under Article III of the Constitution, not the [unconstitutional] legislative courts [operating under chancery] which have long been the courts of the Territories Mookini v. U.S. , see also Longshoremen v. Juneau Spruce Corp., 324 U.S. 237; Reynolds v. U.S., 98 U.S. 145, 154; McAlister v. U.S., 141 U.S. 174; U.S. v. Burroughs, 289 U.S. 159, 163

⁵ COMMON LAW - As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs; and, in this sense, particularly the ancient unwritten law of England. [1 Kent, Comm. 492. Western Union Tel. Co. v. Call Pub. Co., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; Barry v. Port Jervis, 72 N.Y.S. 104, 64 App. Div. 268; U. S. v. Miller, D.C.Wash., 236 F. 798, 800.];

⁶ **18 USC §241; CONSPIRACY AGAINST RIGHTS:** If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State in the free exercise or enjoyment of any right they shall be fined under this title or imprisoned not more than ten years, or both

⁷ **18 USC §242: DEPRIVATION OF RIGHTS UNDER COLOR OF LAW:** Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State the deprivation of any rights shall be fined under this title or imprisoned not more than one year, or both;

⁸ **42 USC 1985: CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS:** If two or more persons in any State or Territory conspire for the purpose of depriving, either directly or indirectly any persons rights the party so injured or deprived may have an action for the recovery of damages against any one or more of the conspirators.

⁹ **42 USC 1983: CIVIL ACTION FOR DEPRIVATION OF RIGHTS:** Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State subjects, or causes to be subjected, any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.

¹⁰ **TRESPASS ON THE CASE.** The form of action, at common law, adapted to the recovery of damages for some injury resulting to a party from the wrongful act of another, unaccompanied by direct or immediate force, or which is the indirect or secondary consequence of defendant's act. Commonly called, by abbreviation, "Case." Munal v. Brown, C.C.Colo., 70 F. 968; Nolan v. Railroad Co., 70 Conn. 159, 39 A. 115, 43 L.R.A. 305; New York Life Ins. Co. v. Clay County, 221 Iowa 966, 267 N.W. 79, 80.

JURISDICTION
UNITED STATES DISTRICT COURTS
"ARE ARTICLE III COURTS"

There are ninety-four judicial district constitutional courts ordained and established by We the People under Article III Section 1 whereas there "*shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior¹¹*". Congress constitutionally codified the Peoples Decree under 28 U.S. Code §132 whereas we read - *Creation and composition of district courts (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the (judicial) district"; and whereas, "a court of record proceeds according to the course of common (natural) law¹²*".

TAKE JUDICIAL NOTICE - The law said "Judicial District" not "District of Columbia".

Under Article III Section 2 We the People decreed that "*the judicial power shall extend to all cases, in law and equity, [chancery being contradictive was not included] arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority"; And Article VI Paragraph 2 solidified that congress can only create constitutional courts functioning under the law of the land, whereas we read "*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land¹³; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding*".*

"*Equity courts administer justice according to the system of equity¹⁴, and according to a peculiar course of procedure or practice¹⁵*". This procedure or practice could be under the rules of

¹¹ **GOOD BEHAVIOR.** The term "good behavior" means conduct that is authorized by law, and "bad behavior" means conduct such as the law will punish. State v. Hardin, 183 N.C. 815, 112 S.E. 593, 594.

¹² Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426

¹³ "**Law of the land,**" "due course of law," and "due process of law" are synonymous. People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; Stoner v. Higginson, 316 Pa. 481, 175 A. 527, 531.

¹⁴ **EQUITY.** In its broadest and most general signification, this term denotes the spirit and the habit of fairness, justness, and right dealing which would regulate the intercourse of men with men,—the rule of doing to all others as we desire them to do to us; or, as it is expressed by the Lord.

chancery or the rules of common law, the latter was Decreed by the People and articulated under Article VI titled "Law of the Land", the former was deliberately excluded by the People, it being repugnant to common law.

In conclusion all United States District Courts are Courts of Law¹⁶ and must proceed under common law¹⁷ and not chancery, thereby finding the 1789 Judiciary Act Chapter XX Section 15 null and void whereas the legislators exceeded their authority when they unlawfully gave the judiciary "POWER" to proceed according to the "rules of chancery" contrary to law. This is long-established in *Marbury v Madison* as null and void, thus finding all judges who proceed according to chancery knowingly act under color of law¹⁸ thereby hijacking their victims to foreign courts of fiction and are in bad behavior without immunity. This was made unquestionably crystal-clear by the following United States Supreme Court case ...*"The words 'district court of the United States' commonly describes constitutional courts created under Article III of the Constitution, not the [unconstitutional] legislative courts [operating under chancery] which have long been the courts of the Territories*¹⁹."

*"William Blackstone - a legal maxim - Every right when withheld must have a remedy, and every injury it's proper redress*²⁰.*" ... "Indeed, no more than an affidavit is necessary to make the prima facie case*²¹.*" By the authority of Article III Section 2 federal district Article III courts of record have jurisdiction in "all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;" - Therefore under Amendment V it is the constitutional jurisdiction and duty of this court to*

¹⁵ See 1 Bl.Comm. 92; *Dowell v. Goodwin*, 22 R.I.287, 27 A. 693, 695, 51 L.R.A. 873, 84 Am.St.Rep.842

¹⁶ Court of "Law" means Court of Common Law - a court for the People CORAM IPSO REGE

¹⁷ Common law - As distinguished from ecclesiastical law, it is the system of jurisprudence administered by the purely secular tribunals. As concerns its force and authority in the United States, the phrase designates that portion of the common law of England (including such acts of parliament as were applicable) which had been adopted and was in force here at the time of the Revolution. This, so far as it has not since been expressly abrogated, is recognized as an organic part of the jurisprudence of most of the United States. [*Industrial Acceptance Corporation v. Webb*, Mo.App., 287 S.W. 657, 660].

¹⁸ COLOR OF LAW. [Black's Law 4th edition, 1891] -- The appearance or semblance, without the substance, of legal right. [*State v. Brechler*, 185 Wis. 599, 202 N.W. 144, 148] Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under "color of state law." (*Atkins v. Lanning*, 415 F. Supp. 186, 188)

¹⁹ *Mookini v. U.S.*, see also *Longshoremen v. Juneau Spruce Corp.*, 324 U.S. 237; *Reynolds v. U.S.*, 98 U.S. 145, 154; *McAlister v. U.S.*, 141 U.S. 174; *U.S. v. Burroughs*, 289 U.S. 159, 163

²⁰ 5 U.S. 137, *Marbury v. Madison*

²¹ *United States v. Kis*, 658 F.2d 526, 536 (7th Cir. 1981); Cert. Denied, 50 U.S. L. W. 2169; S. Ct. March 22, 1982

protect People from being deprived of life, liberty, or property, without due process of law²²; Any Judge or Magistrate that denies said duty under color of law is guilty of a felony.

"In the third volume of his Commentaries, page 23, Blackstone states two cases in which a remedy is afforded by mere operation of law. "In all other cases," he says, it is a general and indisputable rule that where there is a legal right, there is also a legal remedy by suit or action at law whenever that right is invaded. And afterwards, page 109 of the same volume, he says, I am next to consider such injuries as are cognizable by the Courts of common law. And herein I shall for the present only remark that all possible injuries whatsoever that did not fall within the exclusive cognizance of either the ecclesiastical, military, or maritime tribunals are, for that very reason, within the cognizance of the common law courts of justice, for it is a settled and invariable principle in the laws of England that every right, when withheld, must have a remedy, and every injury its proper redress²³"...

"The Government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation if the laws furnish no remedy for the violation of a vested legal right²⁴." ... that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land²⁵." "Henceforth the writ which is called Praecipe (motion to dismiss for any reason) shall not be served on any one for any holding so as to cause a free man to lose his court²⁶."

FOR CAUSE²⁷ and LAWFUL REMEDY²⁸ - Article III Section 2 *The judicial power shall extend to all cases, in law and equity, arising under this Constitution; and violation of plaintiff's unalienable rights took place in Dutchess County, therefore this Court of Record in the Federal Southern District Court is the proper venue for hearing this case.*

²² **Amendment V** - No person shall ... be deprived of life, liberty, or property, without due process of law;

²³ 5 U.S. 137, Marbury v. Madison

²⁴ Marbury v. Madison, 5 U.S. 137 (1803)

²⁵ Hoke vs. Henderson, 15, N.C.15, 25 AM Dec 677

²⁶ Magna Carta, Article 34

²⁷ **FOR CAUSE** Means for reasons which law and public policy recognize as sufficient warrant for removal and such cause is "legal cause" and not merely a cause which the appointing power in the exercise of discretion may deem sufficient. State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d 995, 998, 99 A.L.R. 321.

²⁸ **LEGAL REMEDY** A remedy available, under the particular circumstances of the case, in a court of law, as distinguished from a remedy available only in equity. See State v. Sneed, 105 Tenn. 711, 58 S.W. 1070.

LAW OF THE CASE

Plaintiffs accept the oaths²⁹ to support and uphold the Constitution for the United States of America, and bonds of “all” the officers of this court including magistrate, attorneys, bailiff and are directed to take judicial notice³⁰ of the following:

- i. **SUPREMACY CLAUSE:** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.
- ii. **Marbury v. Madison 5 U.S. 137 (1803)** which concluded “... *Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument.*” after more than 200 years this decision still stands
- iii. ... that statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land. [Hoke vs. Henderson, 15, N.C.15,25 AM Dec 677].
- iv. "Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them" [Miranda v. Arizona, 384 U.S. 436, 491]
- v. Constitution shall receive a liberal interpretation in favor of the citizen as is especially true in respect to those provisions that were designed to save guard citizen in both person and property [Jurisprudence volume 16, Constitutional Law, section 97]
- vi. The un-codified common law is the superior law of the *people* and the codified civil law is the special or inferior law of the government and its agency. Because the United States

²⁹ **Oaths: Article VI:** "This Constitution, and the laws of the United States... shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding... All executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

³⁰ **Judicial notice**, or knowledge upon which a judge is bound to act without having it proved in evidence. - Black's Law 4th edition.

Constitution guarantees to each state a republican form of government³¹ (not a democracy)³², Article IV, section 4, of the United States Constitution, the law of the people outranks the law of the government.³³ Access to the common law is guaranteed by the U.S. Constitution.³⁴

- vii. **RIGHT TO PRACTICE LAW** - The American Bar Association (ABA), founded August 21, 1878, is a voluntary association of lawyers, and was incorporated in 1909 in the state of Illinois. The state does not accredit the law schools or hold examinations and has no control or jurisdiction over the ABA or its members. The ABA accredits all the law schools, holds their private examinations, selects the students they will accept in their organization, and issues them so-called license for a fee; but does not issue state licenses to lawyers.

The Bar is the only authority that can punish or disbar a Lawyer not the state. The ABA also selects the lawyers that they consider qualified for Judgeships and various other offices in the State. Under fiction of law only the Bar Association or their designated committees can remove any of these lawyers from public office. This is a tremendous amount of power for a private union to control and because of this unchecked power RICO run rampant throughout our government at every level, and We the People intend on extinguishing it.

The United States Constitution does not give anyone the right to a lawyer or the right to counsel, or the right to any other "hearsay substitute". The 6th Amendment is very specific, that the accused only has the right to the "assistance of counsel" and this assistance of counsel can be anyone the accused chooses without limitations.

³¹ "Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.

³² Democracy. That form of government in which the sovereign power resides in and is exercised by the whole body of free citizens directly or indirectly through a system of representation, as distinguished from a monarchy, aristocracy, or oligarchy. Black's Law Fifth Ed, pp. 388-389.

³³ This is exemplified in U.S. Constitution, Amendment VII, which prohibits any court's review of a determination of facts by a jury in law.

³⁴ Constitution for the United States of America, Amendment VII

"The term [liberty] ... denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, to establish a home and bring up children, to worship God according to the dictates of this own conscience... The established doctrine is that this liberty may not be interfered with, under the guise of protecting public interest, by legislative action³⁵." ... "The practice of law cannot be licensed by any State³⁶." ... "a State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause³⁷." ... "The practice of law is an occupation of common right³⁸." ... Therefore "there can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights³⁹."

"Litigants can be assisted by unlicensed laymen during judicial proceedings⁴⁰..."
"Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law⁴¹." ... "A next friend is a person who represents someone who is unable to tend to his or her own interest⁴²."

GENERAL ALLEGATIONS OF LAW

- 1) Admit or deny – defendants took an oath to support and defend the constitution.
- 2) Produce copy of oath
- 3) Admit or deny – defendants secured a bond before taking office
- 4) Produce a copy of bond
- 5) Admit or deny – defendants are expected to know the laws that govern their authority and the consequences thereof.
- 6) Admit or deny - defendants were informed not to perform any tribunal functions

³⁵ Meyer v. Nebraska, 262 U.S. 390, 399, 400

³⁶ Schware v. Board of Examiners, United State Reports 353 U.S. pages 238, 239

³⁷ Schware v. Board of Bar Examiners, 353 U.S. 232 (1957)

³⁸ Sims v. Aherns, 271 SW 720 (1925)

³⁹ Sherar v. Cullen, 481 F. 2d 946 (1973)

⁴⁰ Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425

⁴¹ NAACP v. Button, 371 U.S. 415; United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969)

⁴² Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend

- 7) Admit or deny - defendants were instructed and/or intimidated by an officer of the court to return documents to plaintiff.
- 8) Provide the name and title of the officer in item #7
- 9) Admit or deny - defendants were informed to file under 18 USC § 2076 – Clerk is to file
- 10) Admit or deny - defendants were informed that Plaintiff has a lawful right to proceed without cost - New York ex rel. Bank of Commerce v. Commissioner of Taxes for City and County of New York, 2 Black 620 (1863); Federal Rules of Evidence 201(d)); 2 Black 620, see also Crandall v. Nevada, 6 Wall 35.; Hale v. Henkel, 201 U.S. 43
- 11) Admit or deny - defendants were informed that American Jurisprudence Constitutional Law states: §326 free justice and open courts; Remedy for All Injuries.
- 12) Admit or deny - defendants were informed of 18 USC §1512 (b) Whoever knowingly ... engages in misleading conduct toward another person, with intent to - (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to -- (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; ... shall be fined under this title or imprisoned not more than 20 years, or both. And (3) ... (c) Whoever corruptly—(1) ... conceals a record, document ..., with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.
- 13) Admit or deny - defendants were informed of 8 USC § 2071 (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates,

falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.

GENERAL ALLEGATIONS OF FACTS

- 14) On or about March 6, 2015 plaintiff delivered a judicial action, Vidurek a Koskinen, to be filed by the clerk in the US District Court for the Southern District of New York:
- 15) On or about March 9, 2015 defendants failed to file and returned said judicial action. (see Exhibit A)
- 16) On or about March 6, 2015 plaintiff delivered instructions informing the defendants of the consequences should the defendants fail to file said judicial action. (see Exhibit B)
- 17) On or about March 6, 2015 plaintiff delivered a File on Demand informing the defendants of the consequences should the defendants fail to file said judicial action. (see Exhibit C)

COUNT 1: CONSPIRACY AGAINST RIGHTS⁴³

Plaintiff restates the foregoing paragraphs 14-17. Defendants conspired to injure, oppress, threaten, and intimidate plaintiff, one of the People of New York State in the free exercise and enjoyment of plaintiff's unalienable right of due process.

COUNT 2: DEPRIVATION OF RIGHTS UNDER COLOR OF LAW:

Plaintiff restates the foregoing paragraphs 14-17. Defendants under color of law willfully deprived plaintiff of their free exercise and enjoyment of plaintiff's unalienable right of due process.

⁴³ 18 USC §241; CONSPIRACY AGAINST RIGHTS: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State in the free exercise or enjoyment of any right they shall be fined under this title or imprisoned not more than ten years, or both

COUNT 3: CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS:

Plaintiff restates the foregoing paragraphs 14-17. Defendants conspired for the purpose of depriving plaintiff's free exercise and enjoyment of plaintiff's unalienable right of due process.

COUNT 4: CIVIL ACTION FOR DEPRIVATION OF RIGHTS

Plaintiff restates the foregoing paragraphs 14-17. Defendants conspired for the purpose of depriving plaintiff's free exercise and enjoyment of plaintiff's unalienable right of due process.

COUNT 5: RICO RACKETEERING, EXTORTION AND MAIL FRAUD

Plaintiff restates the foregoing paragraphs 14-17. Defendants via postal service to extort \$400.

COUNT 6: TRESPASS ON THE CASE⁴⁴

Plaintiff restates the foregoing paragraphs 14-17. Plaintiff was injured by defendants acts of extortion and denial of due process.

COUNT 7: FRAUD

Plaintiff restates the foregoing paragraphs 14-17. Defendants were informed of their duties by a File on Demand, but defendants under color of law returned said documents to plaintiff and demanded \$400 to perform their duty.

COUNT 8: NEGLIGENCE

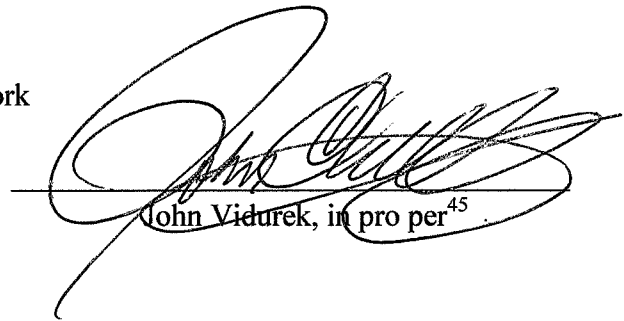
Plaintiff restates the foregoing paragraphs 14-17. Defendants owed plaintiff a legal duty to exercise reasonable care and instead defendants breached their duty of care and plaintiff suffered damages as a direct result of the breach.

⁴⁴ **TRESPASS ON THE CASE.** The form of action, at common law, adapted to the recovery of damages for some injury resulting to a party from the wrongful act of another, unaccompanied by direct or immediate force, or which is the indirect or secondary consequence of defendant's act. Commonly called, by abbreviation, "Case." *Munal v. Brown*, C.C.Colo., 70 F. 968; *Nolan v. Railroad Co.*, 70 Conn. 159, 39 A. 115, 43 L.R.A. 305; *New York Life Ins. Co. v. Clay County*, 221 Iowa 966, 267 N.W. 79, 80.

WHEREFORE plaintiff moves this court of record for judgment as follows:

- a) \$25,000.00 for violating plaintiff's unalienable right of due process from each party involved.
- b) Court clerk is to file said papers immediately.

Dated: March 12, 2015; Dutchess County, New York



John Vidurek, in pro per⁴⁵

⁴⁵ Most legal dictionaries define the term "pro se" as someone who represents them self. Black's Law 4th edition, 1891 defines it "in person", therefore we used the term "in pro per", in that capacity we accept the term "pro se" not to be confused with one representing their fiction whereby the jurisdictional fraud might be assumed and statutes applied as a subject.

Affidavit

I John Vidurek, Affiant, being of lawful age, qualified and competent to testify to and having firsthand knowledge of the following facts do hereby swear that the following facts are true, correct and not misleading:

On or about March 6, 2015 plaintiff delivered a judicial action, Vidurek a Koskinen, to be filed by the clerk in the US District Court for the Southern District of New York:


On or about March 9, 2015 defendants failed to file and returned said judicial action, requiring a fee of \$400 to file.

On or about March 6, 2015 plaintiff delivered instructions informing the defendants of the consequences should the defendants fail to file said judicial action.

On or about March 6, 2015 plaintiff delivered a File on Demand informing the defendants of the consequences should the defendants fail to file said judicial action.

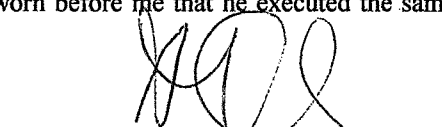
Plaintiff informed defendants of their duties to file under penalty of law and that defendants were not to perform any tribunal functions.

As a result defendants violated plaintiff's unalienable right of due process and thereby injured plaintiff.


John Vidurek, plaintiff

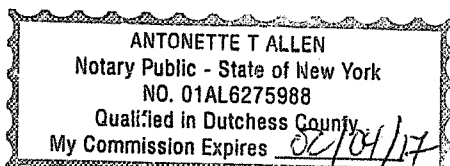
NOTARY

New York State, Dutchess County on this 12 day of March 2015 before me
Antette Allen ~~John Vidurek~~ ^(AD), the subscriber, personally appeared John Vidurek to me known to be the living man
describe in and who executed the forgoing instrument and sworn before me that he executed the same as his free
will act and deed.


Notary

My commission expires: 02/04/17

(Notary Seal)



March 9, 2015

Mr. Vidurek,

We are unable to process this complaint because a fee was not attached. If you wish to file the complaint, and you are unable to pay the fees then you will need to fill out an IFP (In Forma Pauperis) form to state financial hardship to the court. An IFP form has been enclosed, if you decide on that option. Otherwise, the fee is \$400 to start a new complaint. Thank you.

Clerk's Office

White Plains SDNY

EXHIBIT A

INSTRUCTIONS

TO: District Court Clerk

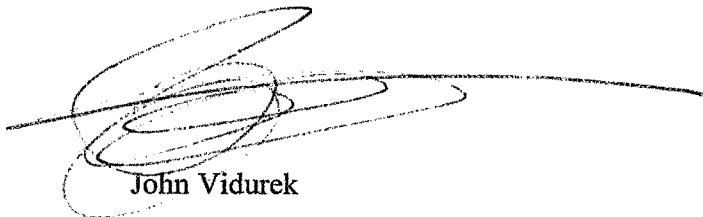
Under penalty of Law Clerk is to file – see file on Demand enclosed;

People do not pay for Justice – see file on Demand enclosed;

Please return three enclosed copies of summons in self-addressed stamped envelope

Please time stamp and return enclosed front page Action at Law in self-addressed stamped envelope

Thank You

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

John Vidurek

EXHIBIT B

FILE ON DEMAND

COMES NOW John Vidurek, one of the People of New York to Demand that the clerk perform only a ministerial function, that the clerk not perform any tribunal functions, and that the clerk file the attached. Any clerk who fails to obey the law shall be prosecuted to the fullest extent of the law. Any attorney or judge advising or intimidating clerks to violate the law will also be prosecuted to the fullest extent of the law. Clerks, attorneys, judges and other officers of the court are expected to know the law. 18 USC § 2076 – Clerk is to file.

MANDATORY NOTICE OF CLAIMANT'S RIGHT TO COURT WITHOUT "FEES" As found in: New York ex rel. Bank of Commerce v. Commissioner of Taxes for City and County of New York, 2 Black 620 (1863) Please take mandatory notice (Federal Rules of Evidence 201(d)) that Plaintiff has a lawful right to proceed without cost, based upon the following law: The U.S. Supreme Court has ruled that a natural individual entitled to relief is entitled to free access to its judicial tribunals and public offices in every State in the Union (2 Black 620, see also Crandall v. Nevada, 6 Wall 35). Plaintiff should not be charged fees, or costs for the lawful and constitutional right to petition this court in this matter in which he is entitled to relief, as it appears that the filing fee rule was originally implemented for fictions and subjects of the State and should not be applied to the Plaintiff who is a natural individual and entitled to relief (Hale v. Henkel)(201 U.S. 43)

AMERICAN JURISPRUDENCE CONSTITUTIONAL LAW - §326 FREE JUSTICE AND OPEN COURTS; Remedy for All Injuries.- In most of the state Constitutions there are provisions, varying slightly in terms, which stipulate that justice shall be administered to all without delay or denial, without sale or prejudice, and that the courts shall always be open to all alike. These provisions are based largely upon the Magna Charta, chap. 40, which provides; "We will sell to no man. We will not deny to any man either justice or right." The chief purpose of the Magna Charta provision was to prohibit the King from selling justice by imposing fees on litigants through his courts and to deal a death blow to the attendant venal and disgraceful practices of a corrupt judiciary in demanding oppressive gratuities for giving or withholding decisions in pending causes. It has been appropriately said that in a free government the doors of litigation are already wide open and must constantly remain so. The extent of the constitutional provision has been regarded as broader than the original confines of Magna Charta, and such constitutional provision has been held to prohibit the selling of justice not merely by magistrates but by the State itself.

A constitutional provision that right and justice shall be administered according to such guaranties is mandatory upon the departments of government. Hence, it requires that a cause shall not be heard before a prejudicial court. The word "prejudice" however, in the constitutional provision that justice shall be administered without prejudice, cannot be said to apply to contempt's committed by a litigant after he has accepted the forum. These guarantees cannot be destroyed, denied, abridged or impaired by legislative enactments.

18 USC §1512 (b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to - (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to -- (A) withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B) alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; ... shall be fined under this title or imprisoned not more than 20 years, or both. (3) ... (c) Whoever corruptly--(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

18 USC § 2071 - Concealment, removal, or mutilation generally – (a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

FILE ON DEMAND

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7014 2120 0003 2103 1973

Mr John Vidurek
1 South Dr
Hyde Park NY 12538

U.S. POSTAGE
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12538
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Showing Address
Where Delivered*

United States District Court for the
Southern District of New York
300 Quarropas St,
White Plains, NY 10601
Court Clerk

